

REMARKS

In the Office Action, dated Nov. 7, 2005, claims 1-17, 22-38, 44-49, and 57-69 are being considered. Claims 1-17, 22-38, 44-49, and 57-69 stand rejected. Specifically, claims 1, 2, 4-10, 12-15, 17, 22-24, 26-30, 32-38, 44, 46, 48, 49, 57-59, 61, and 69 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,842,628 (Arnold et al.). Claims 3, 11, 16, 25, 31, 45, and 60 were rejected under 35 U.S.C. § 103(a) as unpatentable over Arnold et al. in view of U.S. Patent No. 6,608,559 (Lemelson). Claim 47 was rejected under 35 U.S.C. § 103(a) as unpatentable over Arnold et al. in view of US App. No. 2003/0036412. Claims 64-68 were rejected under 35 U.S.C. § 103(a) as unpatentable over Arnold et al.

I. Telephonic Interview

On Jan. 18, 2006, Examiner Le and the undersigned conducted a telephonic interview. The focus of the interview was on the patentability of claim 1. Specifically, the undersigned attempted to explain how the limitation of “selecting a subset of users ... based on the subject matter of the emergency notification content” was not disclosed by Arnold et al. The Examiner agreed that he appreciated the distinction between this limitation and what Arnold was disclosing, but in the end, no agreement was reached. The Applicants respectfully ask the Examiner to reconsider the patentability of the claims based on the remarks made below.

II. The Independent Claims

Of the rejected claims, claims 1, 8, 12, 14, 22, 26, 32, 36, 44, 57, 61, and 63 are the independent claims. Applicants first address claims 1, 12, 14, 22, 32, 36, 44, 61, and 63 in part A. Then, in part B, Applicants address the remaining independent claims, 8, 26, and 57.

A. Claims 1, 12, 14, 22, 32, 36, 44, 61, and 63

Claim 1, for example, recites the following subject matter:

A method for disseminating emergency notification content from an emergency originating source, the method comprising:

delivering the emergency notification content from the emergency originating source to at least one transmitting party;

selecting automatically a subset of users from among a set of users for dissemination of the emergency notification content based on the subject matter of

the emergency notification content; and
delivering the emergency notification content from the at least one transmitting party to a device corresponding to each user from the selected subset of users.

(emphasis added). Specifically, claim 1 recites “selecting automatically a subset of users ... based on the subject matter of the emergency notification content.” *See ¶ 135.* Applicants submit that Arnold et al. does not disclose this limitation.

In fact, Arnold discloses just the opposite:

The sender 201, or a subscribed user (Web user, Alert Provider or Wireless PDA device user), wanting to generate an emergency alert *will need to specify the list of recipients (individual subscribers or groups)* and the text of the message 202 to be displayed with the emergency alert.

Col. 6, ll. 31-35 (emphasis added). From the above excerpt, it is clear that it is *the sender* who selects the recipients, and that such selection is not done “automatically ... based the subject matter of the emergency notification content” (claim 1).

Claims 12, 14, 22, 32, 36, 44, 61, and 63 recite similar limitations: “wherein the group of users are selected automatically based on the subject matter of the emergency notification content” (claim 12); “selecting automatically a subset of users from among the set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content” (claim 14); “an apparatus for selecting automatically a subset of users from among a set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content” (claim 22); “wherein the group of users are selected automatically based on the subject matter of the emergency notification content” (claim 32); “an apparatus for selecting automatically a subset of users from among the set of users for dissemination of the emergency notification content based on the subject matter of the emergency notification content” (claim 36); “wherein the user is selected automatically based on the subject matter of the emergency notification content” (claim 44); “wherein the user is selected automatically based on the subject matter of the emergency notification content” (claim 61); and “wherein the portion of users is selected automatically based on the subject matter of the emergency notification content” (claim 63).

B. Claims 8, 26, and 57

Claim 8 recites the following subject matter:

A method for disseminating emergency notification content from an emergency originating source, the method comprising:

delivering the emergency notification content in real time from the emergency originating source to a group of users; and

transmitting a verification from at least one individual user from the group of users.

(emphasis added). Specifically, the last element of claim 8 recites: “transmitting a verification from at least one individual user from the group of users.” As the specification teaches, “[p]referably, the verification indicates that the emergency notification content has been received. Alternatively, the verification indicates that the emergency notification content is collaborated” (¶ 33).

In contrast, Arnold does not disclose that a verification is transmitted, rather, it discloses the transmitting of a verified notification message. The purpose of having a verified message in Arnold is to prevent spam. Thus, the Applicants submit that there is a patentable difference between “transmitting a verification...” (claim 1), on the one hand, and transmitting a notification that has been verified, on the other. Put another way, in claim 1, for example, an emergency message is delivered (1st element of claim 1) and then a verification is transmitted (2nd element of claim 1). Arnold, conversely, only sends a notification that has been verified not to be spam. Thus, the element of “transmitting a verification...” (claim 1) is not disclosed by Arnold.

Claims 26 and 57 also recited similar limitations: “a device corresponding to at least one individual user from the group of users for receiving the emergency notification content and transmitting a verification” (claim 26); and “a transmission apparatus for transmitting a verification” (claim 57).

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II. The Dependent Claims

Inasmuch as dependent claims 2-7, 9-11, 13-17, 23-25, 27-31, 33-35, 37-38, 45-49, 58-60, 62, 64-69 depend either directly or indirectly from independent claims 1, 8, 12, 14, 22, 26, 32, 36, 44, 57, 61, and 63, Applicants submit that they are allowable for at least the same reasons. Withdrawal of the rejection and allowability of the pending claims is thus earnestly solicited.

III. Conclusion

Applicants respectfully submit that the rejection of claims 1-17, 22-38, 44-49, and 57-69 has been traversed and, accordingly, Applicants request that the rejections be withdrawn and that the claims be allowed to issue. Should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative earnestly requests a telephone conference at 206-903-2461.

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